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Power of and power over COVID-19 response guidelines

The COVID-19 pandemic has shown that ignorance or political influence of scientifically grounded health policies does not pay off.¹ Germany's COVID-19 response is evaluated as reasoned and scientifically grounded; however, it has exposed undue political influence on national scientific guidelines due to migration policy concerns.

The Robert Koch Institute (RKI), Germany's national public health institute, has rapidly published an abundance of guidelines and recommendations on COVID-19. Repeated large-scale outbreaks in refugee centres since the end of March, 2020, exposed a troubling gap, with asylum seekers and refugees not specifically considered in pandemic response policies. A review and meta-analysis of media reports in Germany until the end of May 22, 2020, identified 42 outbreaks in 11 federal states with 1769 confirmed SARS-CoV-2 cases among 9785 refugees, corresponding to an incidence risk of 17.0% (95% CI 12.0–23.0).² Of affected centres, 70% were quarantined en masse and locked down for several weeks by police forces, private security firms, or military forces to contain the outbreaks.² The Competence Network Public Health COVID-19 raised ethical, legal, and epidemiological concerns about questionable benefits for infection control and high psychosocial burden for refugees, and it urged for national guidelines on prevention and management of SARS-CoV-2 in refugee centres.²

In June, 2020, civil society leaked an unpublished draft guideline by the RKI³ that mandates asylum seekers should be accommodated in single rooms during the pandemic, and that mass quarantine should be avoided without exception. In response to media enquiries,⁴ RKI confirmed that the leaked guideline³ was under a

consultation process with authorities, including ministries of interior. The final guideline⁵ was published on July 10, 2020, 8 weeks after the draft³ was leaked. Key recommendations on SARS-CoV-2 prevention and management in refugee centres remained. However, mass quarantine is now considered a containment option if deemed unavoidable, and although accommodating refugees in single rooms is still recommended, the normative language has been toned down, and refugees sharing a room can be considered a household.⁵ This effectively offers a legal loophole to avoid enforcement of physical distancing in refugee centres to the same extent as for the general population, despite court judgements suspending the obligation of individual refugees to live in crowded centres if physical distancing is not possible.²

The case illustrates key lessons for public health. First, guidelines have power, and authorities circumnavigate scientific evidence when it challenges their own preferences or practice. Second, power is exercised over guidelines as a means to control unwanted consequences of scientific recommendations. The intervention of ministries of interior caused considerable delay in publishing an urgently needed guideline during the pandemic, and politically sensitive areas that affect the practice of migration authorities were diluted.

This situation raises serious questions about the independence of Germany's national public health institute. The casualties of this political intervention are two-fold: on the refugees' right to health protection, and the integrity of the RKI. Both need to be restored by defending evidence-based recommendations against undue political influence to the same degree that they are defended against commercial and industry influences.

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- 1 The Lancet. Political casualties of the COVID-19 pandemic. *Lancet Infect Dis* 2020; **20**: 755.
- 2 Bozorgmehr K, Hintermeier M, Razum O, et al. SARS-CoV-2 in Aufnahmeeinrichtungen und Gemeinschaftsunterkünften für Geflüchtete: Epidemiologische und normativ-rechtliche Aspekte. Bremen: Kompetenznetz Public Health Covid 19, 2020.
- 3 Robert Koch Institute. Hinweise zu Prävention und Management von COVID-19-Erkrankungen in Gemeinschaftsunterkünften für Geflüchtete. May 7, 2020. https://www.nds-fluerat.org/wp-content/uploads/2020/06/2020-05-07-RKI-Hinweise_COVID-19_in_Unterk%C3%BCnften.pdf (accessed July 18, 2020).
- 4 Riese D. RKI zu Corona in Flüchtlingsunterkünften: Massenquarantäne vermeiden. June 11, 2020. <https://taz.de/RKI-zu-Corona-in-Fluechtlingsunterkuenften/!5688049/> (accessed July 18, 2020).
- 5 Robert Koch Institute. Empfehlungen für Gesundheitsämter zu Prävention und Management von COVID-19-Erkrankungen in Aufnahmeeinrichtungen und Gemeinschaftsunterkünften für Schutzsuchende (im Sinne von §§ 44, 53 AsylG). Berlin: Robert Koch Institute, 2020.



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For the RKI's COVID-19 guidelines and recommendations see https://www.rki.de/DE/Content/InfAZ/N/Neuartiges_Coronavirus/nCoV_node.html

For more on the Competence Network Public Health COVID-19 see <https://www.public-health-covid19.de/en/>

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